

Amendment under 37 CFR 1.111
Serial No. 09/987,902
Attorney Docket No. 011542

REMARKS

Claims 1 - 15 are pending in the present application. By this Amendment, claims 1-15 have each been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated June 21, 2005.

35 USC §112, Second Paragraph Rejection:

Claims 1-15 stand rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

This rejection is respectfully traversed.

Claims 1-15 have each been amended to overcome this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Amendment under 37 CFR 1.111
Serial No. 09/987,902
Attorney Docket No. 011542

As to the Merits:

As to the merits of this case, the Examiner relies on all previously cited references in setting forth the following rejections:

- 1) claims 1-4 stand rejected under 35 USC 103(a) as being unpatentable over Weiss (U.S. Patent No. 6,681,156) in view of Tanner, Jr et al. (U.S. Patent No. 6,636,784);
- 2) claims 5 and 6 stand rejected under 35 USC 103(a) as being unpatentable over Weiss in view of Tanner, Jr et al. and further in view of Mistr, Jr. (U.S. Patent No. 5,794,212);
- 3) claims 7-10 and 12-14 stand rejected under 35 USC 103(a) as being unpatentable over Tanner, Jr et al. in view of Weiss; and
- 4) claims 11 and 15 stand rejected under 35 USC 103(a) as being unpatentable over Tanner, Jr et al. in view of Weiss and further in view of Mistr.

Each of these rejections is respectfully traversed.

With regard to Applicants' previously presented argument that Tanner fails to disclose the claimed features regarding: a) electric power which is purchased by a management company

based on a purchase contract with the electric power company in consideration of the total amount of necessary electric power is received collectively from an electric power company at a high voltage, and the received electric power is distributed to each house hold at a low voltage, the Examiner now relies on the disclosure of Weiss for teaching these features.

More specifically, the Examiner relies on the Weiss's disclosure of an "energy management system," which can sell or distribute energy from one or more suppliers to one or more energy consumers, wherein both parties (e.g. the energy management system and the energy supplier) are allowed to express their view on what is the "most economic" power or energy quantity under given circumstances (e.g., the need for a minimum or maximum amount of power, the need for a minimum or maximum price). See col. 7, lines 59-64 and col. 14, lines 48-54 of Weiss.

However, it is respectfully submitted that consideration of the total amount of necessary electric power as set forth in the claimed invention is completely different than the need for a maximum amount of power.

As such, it is submitted that Weiss fails to disclose or fairly suggest the claimed features regarding: a) electric power which is purchased by a management company based on a purchase contract with the electric power company in consideration of the total amount of necessary

electric power is received collectively from an electric power company at a high voltage, and the received electric power is distributed to each house hold at a low voltage.

Second, with regard to Applicants' previously presented argument that Tanner also fails to disclose the claimed features regarding: b) grasping a maximum current capacity necessary for each of the users, determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users, the Examiner merely reiterates his previous reliance on Tanner.

That is, in the Office Action, the Examiner relies on column 4, lines 58 – 67 of Tanner for teaching the features of the claimed invention concerning determining a maximum current capacity necessary for each of the users, determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users.

However, column 4, lines 58 – 67 of Tanner calls for the following:

The first value is a maximum electricity flow determined by the electricity customer 22 (Fig.1), which may be based on the contractual and/or physical limitations of the electricity customer's substation. The first value may also be the electrical customer's contractual peak demand or other peak demand limit set by the electricity transfer station 20.¹

¹ Please see, lines 58 – 63, column 4 of Tanner.

That is, while Tanner may be concern with allowing a customer to re-deliver electricity received by the customer wherein the maximum electricity flow to the customer remains below a peak demand, Tanner is completely silent with regard to determining a maximum current capacity for each of the users.

In addition, Tanner also fails to disclose the features of claims 2 and 9 of the present invention concerning allocating an excessive current capacity which is not necessary for one user to another user who needs the excessive current capacity.

Again, Tanner is concerned with the re-delivery of electricity by a customer received below a peak rate and not with allocating an excessive current capacity which is not necessary for one user to another user who needs the excessive current capacity, as called for in claims 2 and 9.

In addition, claims 5, 11 and 15 each call for determining user who adds a current capacity by an auction when a total requested current is larger than a total contracted current to be distributed.

For example, when the additional capacity for sale corresponds to a request from an applicant household who is willing to buy the additional capacity, the base rate is merely distributed corresponding to the contracted current. When the capacity requested from the

Amendment under 37 CFR 1.111
Serial No. 09/987,902
Attorney Docket No. 011542

applicant household exceeds the additional capacity for sale, a buyer may be determined by an auction.

It is respectfully submitted that Tanner fails to disclose or fairly suggest the features of claims 5, 11 and 15 concerning determining a user who adds a current capacity by an auction when a total requested current is larger than a total contracted current to be distributed.

In addition, Tanner also fails to disclose the features of claims 8 and 12 concerning a control device for controlling and displaying information on power consumed by each of the users is provided, and the control device and the server are connected via the network.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

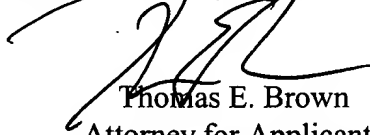
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Amendment under 37 CFR 1.111
Serial No. 09/987,902
Attorney Docket No. 011542

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Thomas E. Brown
Attorney for Applicants
Registration No. 44,450
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

TEB/jl